In the Supreme Court of the United States

OCTOBER TERM, 1946

No 993

VIRGIL D. BELL ET AL., PETITIONERS

v.

SETON PORTER ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES AS AMICUS CURIAE[1]

The petition herein presents substantially the same narrow factual issue that is raised in the companion cases, *Rokey* v. *Day & Zimmermann, Inc.*, No. 994, and *Bowers* v. *Remington Rand, Inc.*, No. 995, and the attention of this Court is respectfully invited to the Government's briefs in opposition filed therein. In this case an issue is

[1] Respondent is a "cost-plus contractor" who has entered into a contract with the War Department, pursuant to which the contracting agency, or the United States, is, or may be, obligated to reimburse the contractor for money paid in resisting or settling claims arising out of work performed under the contract. In this case respondent is represented by private counsel.

raised as to whether the sleeping facilities were adequate. That question is purely a factual one which would not in itself warrant certiorari. Accordingly, we submit that this petition for certiorari should be denied.

Respectfully submitted.

GEORGE T. WASHINGTON,
Acting Solicitor General.

MARCH 1947.

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